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REMARKS

This response is intended as a full and complete response to the final Office Action mailed April 19, 2004. In the Office Action, the Examiner notes that claims 1-65 are pending, of which claims 1-65 stand rejected. By this response, claims 7, 40, 45, 51, 58, 62 and 64 has been amended, claim 63 is canceled, and claims 1-6 and 8-39, 41-44, 46-50, 52-57, 59-61, and 65 continue unamended.

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application are non-enabling or anticipated under the respective provisions of 35 U.S.C. §112 and §102. Thus, the Applicants believe that all of these claims are now in allowable form.

REJECTIONS

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112

The Examiner has rejected claims 7 to 39 under 35 U.S.C. §112, ¶1, as failing to comply with the written description requirement. Specifically, the Examiner states that "[t]he claim(s) contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s) at the time the application was filed, had possession of the claimed invention. In claim 7 lines 6-7, 'a title object in the videotape of said guide page' is not described in the specification." Applicants respectfully traverse the rejection.

The Applicants have amended claim 7 to correct a mistyped word mistakenly added in the previous response to the non-final Office Action (paper no. 11). Specifically, the Applicants have amended the mistyped word "videotape" to "video layer." The Applicants submit that the feature "video layer" is fully supported in the specification (e.g., page 13, line 30).

As such, the Applicants submit that independent claim 7 is complies with the written description requirement, and fully satisfy the requirements of 35 U.S.C. §112 and is patentable thereunder. Furthermore, claims 8-39 depend, either directly or indirectly, from independent claim 7 and recite additional features thereof. As such, and for at least the same reasons discussed above, the Applicants submit that these

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dependent claims also fully satisfy the requirements of 35 U.S.C. §112 and are patentable thereunder. Therefore, the Applicants respectfully request that the rejection of claims 7-39 be withdrawn.

REJECTION OF CLAIMS UNDER 35 U.S.C. §102

A.   Claims 1-6

The Examiner has rejected claims 1-6 under 35 U.S.C. §102(e) as being anticipated by Killian U.S. Patent No. 6,163,316 (hereinafter "Killian"). The Applicants respectfully traverse the rejection.

Applicants' independent claim 1 (and similarly independent claim 4) recites:

> "A data structure, comprising:
>   a plurality of logically linked applets, each of said
> applets defining a graphical layer, a video layer and a control
> layer, said control layer of each respective applet logically
> linking a graphical layer object to another applet." (emphasis
> added).

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984)(citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added). Killian fails to disclose each and every element of the claimed invention, as arranged in the claim.

Specifically, the Killian reference fails to teach the feature of a plurality of logically linked applets, each of said applets defining a graphical layer, a video layer, and a control layer, wherein the control layer of each respective applet logically links a graphical layer object to another applet. Rather, the Killian reference merely discloses an electronic programming guide JAVA applet or application that provides various functionalities that allow viewers to more intelligently select, schedule, and record viewing opportunities according to viewer profiles and information retrieved from database 48. (See, Killian, col. 5, lines 1-10).

In particular, the Killian reference discloses a JAVA based operating hierarchy, where the first level includes conventional television-related hardware, the second level includes one or more interactive television protocols (e.g., DAVID or ICAP), a third level

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includes a basic JAVA operating system, and a fourth level that includes "a JAVA toolkit 58 having a collection of APIs 60 that cooperate with JAVA operating system 56 to allow JAVA applets 64 and applications 62 in fifth level 59 to perform functionalities associated with JAVA applets 64 and applications 62. In one embodiment, APIs 60 of toolkit 58 allow platform 12 to support JAVA applets 64 downloaded from the Internet over link 14, JAVA applications 62 installed locally on receiver 10 or any processing platform associated with receiver 10, or any other appropriate JAVA program that uses the television-related functionalities of APIs 60." (See, Killian, col. 6, lines 6-42).

Nowhere in the Killian reference is there any teach, or even suggestion, that <u>the control layer of each respective applet logically links a graphical layer object to another applet</u>. That is, the Applicant's invention specifies that <u>the control layer</u> of the applet logically links <u>a graphical layer object</u> to another applet.

Support for the Applicant's invention, which specifies the specific type of applet being utilized is described beginning on page 13, line 30, where, the Applicants clearly define in their specification that "the background video comprises a video layer, while the overlay or foreground video comprises a graphics layer. The generation of both the video layer and graphics layer is controlled by a control layer. Briefly, the video layer comprises displayed video images produced using, e.g., information contained in an applet. The graphics layer comprises OSD (overlay(s) including graphical objects that are associated with applets stored in either subscriber or provider equipment. The OSD overlay(s) are displayed over the video layer. The control layer comprises a command processing and logical operations layer. <u>The control layer</u> retrieves the applets associated with <u>graphic layer objects</u> selected by a user, executes the applets, and provides video information to the video layer and object information to the graphics layer." (See, Applicants' specification, page 13, line 30 to page 14, line 9). Therefore, since the Killian reference fails to teach, or even suggest, <u>the control layer of each respective applet logically links a graphical layer object to another applet</u>, the Killian reference fails to teach <u>each and every element</u> of the claimed invention <u>as arranged</u> in the claim.

As such, the Applicants submit that independent claims 1 and 4 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 2-3 and 5-6 depend, either directly or indirectly, from

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Independent claims 1 and 4 and recite additional features thereof. As such, and for at least the same reasons discussed above, the Applicants submit that these dependent claims also fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, the Applicants respectfully request that the rejection of claims 1-6 be withdrawn.

B. Claims 7-65

The Examiner has rejected claims 7-65 under 35 U.S.C. §102(e) as being anticipated by Davis et al. U.S. Patent No. 5,822,123 (hereinafter "Davis"). Applicants respectfully traverse the rejection.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984)(citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added). Davis fails to disclose each and every element of the claimed invention, as arranged in the claim.

Independent claim 7 (and similarly, independent claims 40, 45, 51, 58 and 62) recites:

> "A guide page comprising:
> a video layer forming background video of said guide page and comprising a plurality of title objects, wherein the video layer is derived from a video stream received from a transmission source;
> a graphics layer comprising a plurality of overlay objects selectively overlaying said video layer, wherein each of the overlay objects is associated with a respective title object in the video layer and is selectively controlled to visually emphasize or de-emphasize a title object in the video layer of said guide page; and
> a control layer for controlling generation of the video and graphics layers, said video, graphics, and control layers being defined by an applet originating at said transmission source, and said overlay objects of said graphics layer being logically associated with another applet at said transmission source." (emphasis added)

The Davis reference discloses "the data stream may contain, for example, information about programs or services available in a particular market, geographical or otherwise. The input signal 11 can originate, for example, as part of a standard broadcast, cablecast or satellite transmission, or other form of data transmission. The

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transmitted data stream may additionally contain application software for implementing or updating the electronic program guide at the user's site." (See, Davis col. 9, lines 8-14 and 29-31).

Nowhere in the Davis reference is there any teaching, or even suggestion of "a control layer for controlling generation of the video and graphics layers, said video, graphics, and control layers being defined by an applet originating at said transmission source, and said overlay objects of said graphics layer being logically associated with another applet at said transmission source." In fact the Davis reference is completely silent with regard to applets, as well as the video, graphics, and control layers being defined by an applet originating at the transmission source.

Specifically, "the background video comprises a video layer, while the overlay or foreground video comprises a graphics layer. The generation of both the video layer and graphics layer is controlled by a control layer. Briefly, the video layer comprises displayed video images produced using, e.g., information contained in an applet. The graphics layer comprises OSD overly(s) including graphical objects that are associated with applets stored in either subscriber or provider equipment. The OSD overlay(s) are displayed over the video layer. The control layer comprises a command processing and logical operations layer. The control layer retrieves the applets associated with graphic layer objects selected by a user, executes the applets, and provides video information to the video layer and object information to the graphics layer." (See, Applicants' specification page 13, line 30 to page 14, line 9).

Therefore, the Davis reference fails to teach each and every element of the claimed invention, as arranged in the claim, since the Davis reference fails to teach or suggest "a control layer for controlling generation of the video and graphics layers, said video, graphics, and control layers being defined by an applet originating at said transmission source, and said overlay objects of said graphics layer being logically associated with another applet at said transmission source."

As such, the Applicants submit that independent claim 7, and similarly independent claims 40, 45, 51, 58, and 62 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 8-39, 41-44, 46-50, 52-57, 59-61, and 64-65 respectively depend from independent claims 7, 40, 45, 51, 58, and 62 and recite additional features thereof. As such, and for

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at least the same reasons as discussed above, the Applicants respectfully submit that these dependent claims are also not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore the Applicants respectfully request that the rejections be withdrawn.

CONCLUSION

Thus, the Applicants submit that claims 1-65 are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Steven M. Hertzberg or Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted

Date ___7/9/03___

By: _____
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